

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARL G. SIMPSON AND BONNIE REED
SIMPSON, CO-ADMINISTRATORS OF
THE ESTATE OF CARL D. SIMPSON

CASE NO.: 1:00-cv-14

PLAINTIFFS

JUDGE BERTELSMAN

VS.

NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA
ADMINISTRATIVE OFFICES
70 PINE STREET
NEW YORK, NY 10270-0150

DEFENDANT

RESPONSE TO DEFENDANT NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA MOTION TO BIFURCAT AND STAY BAD FAITH CLAIM

Now come Plaintiffs, by and through counsel, responding to the Defendant's Motion to Bifurcate and Stay the Bad Faith Claim. Plaintiff's counsel has no objection at this time to the bifurcation to the bad faith claim and stay of discovery proceedings related to that claim. Plaintiffs have set forth a Motion, of be filed contemporaneously with this response, requesting the Court to order a journalization and protection of certain documents to which Plaintiffs believe they are entitled in the discovery phase of the breach of contract claim. A proposed Entry addressing both parties Motions has been attached to Plaintiff's Motion.

Respectfully Submitted,

LAMBERT, McWHORTER & BOWLING

/s/ D. Scott Bowling
D. SCOTT BOWLING (0067617)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response was forwarded on this the 15th day of June 2005 by electronic filing to the United States District Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

LAMBERT, McWHORTER & BOWLING

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